

WEISSBURG LAW FIRM

Diane B. Weissburg (237136)

Jerry A. Weissburg (087469)

12240 VENICE BLVD. SUITE 22

LOS ANGELES, CA 90066

Telephone: (310) 390-0807 Facsimile: (310) 390-0560

Attorneys for Plaintiff,

Abhijit Prasad

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ABHIJIT PRASAD,

Plaintiff,

v.

SANTA CLARA COUNTY
DEPARTMENT OF SOCIAL
SERVICES, GAIL SIMMONS,
GUADALUPE ACEZES, and DOES 1-
20,

Defendants.

CASE NO.: 5:15-cv-04933-BLF

Hon. Beth Labson Freeman

**DECLARATION OF ABHIJIT
PRASAD IN SUPPORT OF
OPPOSITION TO DEFENDANTS'
MSJ**

DATE: February 7, 2019

TIME: 9:00 a.m.

LOCATION: 280 1st Street,
San Jose, CA

I ABHIJIT PRASAD, declare as follows:

1. The following is based upon my personal knowledge and if called upon as a witness, I could and would competently testify thereto.
2. I am an individual, a 51 year old resident of the County of San Joaquin County, State of California and Plaintiff in this action. I am a father of two children, S and K; a United States citizen; I worked in computer technology, and I was born in India.
3. All of the information contained herein is true and correct, is within my personal knowledge and, if called upon to testify, I could and would competently testify hereto.
4. I have never sexually abused my daughters.
5. I have never been charged or convicted of sexual abuse of my daughters.

1 6. I was never convicted of domestic violence of my wife; my wife was
2 convicted of domestic violence of me.

3 7. I have never been convicted of a crime.

4 8. Defendants never filed a dependency action against me.

5 9. Due to the actions and efforts of the Defendants undertaken since 2009-2010,
6 and 2015, I have been excluded from the life of my two children since 2009, and
7 forced to live separately from my daughters.

8 10. As of June 2018, I have spent over \$250,000.00 to get out of CACI,
9 CWS/CMS systems, and the family law system, and became financially broken.
10 Exhibit 1, attached hereto and incorporated herein by reference.

11 11. As a direct result of Defendants' actions I lost numerous work and business
12 opportunities because I require high level government clearances to work around
13 children in schools or hospitals, in the information technology field.

14 12. As a direct result of Defendants' actions, I lost the right to adopt or foster
15 children, and I am unable to work as a teacher, or work around children. I wanted to
16 adopt my girlfriend's daughter in 2014, but have been told by defendants if you are
17 in the systems, you cannot be approved.

18 13. I have suffered from rapidly declining health and emotional trauma. I was
19 denied even basic due process constitutional rights and reverted to a second class
20 citizen where any official can decide my life based on secret records.

21 14. All of defendants' actions was done without any wrongdoing on my part and
22 without even notifying me of the government officials' actions against me. During all
23 that ordeal, my family and I had exhausted all legal and administrative remedies to
24 convince Defendants to resolve all our issues in peaceful, amicable, least damaging
25 and definitely cheaper for everybody involved way.

26 15. I was gainfully employed in computer services, which requires me to obtain
27 high level government clearances.

28 16. The first involvement of the Defendant with my family happened in the middle

1 of a family law action in 2009 when my then wife (mother of my two children),
2 accused me of child abuse five times during our custody action. In November 2009,
3 my daughters did not speak good English and S was age 6, and K was age 4.

4 17. I am familiar with the files, pleadings, and facts in this case and could and
5 would competently testify to all of the facts on the basis of my own personal
6 knowledge.

7 18. I attended a Child Abuse Central Index ("CACI") hearing on July 15, 2010
8 for the alleged 2009-2010 inclusion in the databases. Mark Lane was the Hearing
9 Officer. That hearing had to be continued because Santa Clara DSS did not give me
10 documents related to my appeal of CACI inclusion, the only database I was told
11 about.

12 19. Ronnie Smith defendants' CACI person told me I could only have a hearing
13 for CACI, not any other database.

14 20. I attended a second CACI hearing on August 10, 2010. At that hearing there
15 was Mark Lane as the Hearing Officer, two attorneys for Respondents, Harrison
16 Taylor, Esq., and Kim Warsaw, Esq. In addition, the Respondents had Ronnie
17 Smith as the Department Representative and the Worker Nana Chancellor.

18 21. In 2009 I was told by Chancellor and Smith that my information had been
19 submitted to CACI for sexual abuse of my daughters only. In 2015 they changed
20 the allegations to sexual abuse, assault and exploitation.

21 22. I did not know what the allegations against me were until the first hearing on
22 7/15/10.

23 23. DSS never gave me the report/tapes of the MDI interview.

24 24. The first time I saw the report/tapes of the MDI interview was March 2, 2015
25 in the Family Law Proceedings.

26 25. In April 2015 my family law attorney, Mr. Bayan, had me sign a request for
27 self-inquiry to DOJ. That was the first time I learned that I had not been reported to
28 CACI by DSS after all.

1 26. On April 7, 2015, I learned that Defendants put me in CACI as a new referral
2 for 2015 of sex abuse, assault, and exploitation. Defendants admitted they did not
3 conduct any investigation and Defendants never contacted me prior to that inclusion.

4 27. Defendants sent me a notice of my inclusion in CACI, with a form for me to
5 request a CACI hearing for the 2015 inclusion in CACI. Exhibit 2, attached hereto
6 and incorporated herein by reference. I sent a demand for a CACI hearing back to
7 the Defendants on April 15, 2015. Exhibit 3, attached hereto and incorporated herein
8 by reference.

9 28. I have no memory of signing or receiving a response from DOJ to an October
10 2013 self-inquiry. If I had received the 2013 response, I would have notified the
11 family law court in 2013, instead of waiting until April 2015.

12 29. I was told by my family law attorney that the only reason I have not been able
13 to see my daughters was due to Ms. Chancellor claiming in 2010 that she had reported
14 me to DOJ for sex abuse. Further, that Chancellor claimed I had criminal proceedings
15 pending, which I did not.

16 30. I was still sharing the family home with my ex-wife at times, at the address on
17 the October 2013 DOJ letter. When my ex-wife and children were at the house, I was
18 living with my brother, Manoj Prasad in San Jose.

19 31. My ex-wife never gave me a letter that came in the mail from DOJ in 2013.

20 I declare under penalty of perjury under the laws of the United States, and the
21 State of California that the foregoing is true and correct to the best of my
22 knowledge and ability.

23
24 Date: January 6, 2019

25
26 Place: Dublin, CA 94568



ABHIJIT PRASAD